

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: MIK et al.

Serial No.: 09/098,481

Filing Date: June 16, 1998

For: **METHOD AND APPARATUS FOR
PROCESSING A CHARGE
APPLIED TO A FINANCIAL
ACCOUNT**



) Examiner: Steve Wasylchak

) Group Art Unit: 3624

) Attorney Docket No: 98-017

) Customer No.: 22927

) Notification of Fee Status Change

) Pursuant to 37 CFR § 1.27



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Assistant Commissioner for Patents
Washington, D.C. 20231

ASSERTION OF SMALL ENTITY STATUS

Dear Sir:

The assignee of the above-identified application claims small entity status. This notification is made pursuant to 37 CFR §1.27.

If the Examiner has any questions about this status change, the Examiner is invited to contact the undersigned at (203) 461-7292. While no fees are believed due in connection with this paper, please charge any fees that may be required for this paper, or with any other papers filed in connection with this application to Deposit Account No. 50-0271.

March 14, 2003

Date

Respectfully submitted,

Michael D. Downs
Attorney for Applicants
Walker Digital, LLC
Registration No. 50,252
Mdowns@walkerdigital.com
(203) 461-7292 /direct
(203) 461-7300 /fax

PATENT

3624
161
Application Serial No. 09/098,481
Attorney Docket No. 98-017

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO.: 22927

Applicants: MIK et al.
Application Serial No.: 09/098,481
Filing Date: June 16, 1998
Title: METHOD AND APPARATUS FOR PROCESSING A CHARGE
APPLIED TO A FINANCIAL ACCOUNT
Attorney Docket No: 98-017

Group Art Unit: 3624
Examiner: Wasylchak, Steven R.

Mail Stop: Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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REQUEST FOR RECONSIDERATION
of the Holding of Abandonment - No Abandonment in Fact

Summary of Request

Applicants request reconsideration and withdrawal of the abandonment of the present application, per MPEP 711.03. Since a reply was timely filed, there was no abandonment in fact.

Facts

The most recent Office Action was mailed November 14, 2002.

Applicants filed a Response to this Office Action on March 18, 2003, including authorization to charge fees for extension of time to the deposit account. Thus, the Response was filed within five months after the mailing date of the Office Action. Attached are copies of this Response, Combined Amendment and Petition for Extension of Time, Assertion of Small Entity Status, facsimile cover sheet and confirmation of fax

sent, dated March 18, 2004. The Response included an authorization to charge any additional fees to deposit account 50-0271.

On September 26, 2003 Veronika Leliever, senior paralegal, contacted Patent Examiner Wasylchak inquiring about the status of the referenced case. Examiner Wasylchak confirmed that the case was not abandoned, nor would it be abandoned, and in fact he planned to work on an Office Action during the week of September 29, 2004.

On November 19, 2003, Patent Examiner Wasylchak telephoned Michael Downs, attorney for applicants, and advised him that an Office Action for this application would be mailed out within two weeks.

Nevertheless, a Notice of Abandonment was mailed on September 8, 2004. Upon contacting Supervisory Examiner Millin, and Examiner Wasylchak, Veronika Leliever was advised that a Petition responsive to the Notice of Abandonment should be filed, and Applicants would have the Examiner's backing for vacating the abandonment.

Conclusion

Applicants request that the Abandonment of the Application be withdrawn because there was no abandonment in fact. Applicants specifically request that the Application be considered as never abandoned, and the response filed on March 18, 2003 with authorization for USPTO to charge any additional fees which may be required for any additional extension of time to deposit account 50-0271, be accepted as timely filed.


Please charge any fees that may be required for this Request, or credit any overpayment to Deposit Account No. 50-0271. Order number 98-017. The Assistant Commissioner is further authorized to charge any additional fees which may be required for the submission of this paper, or credit any overpayment to Deposit Account No. 50-0271.

Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this submission timely, and charge any fee for such an extension to Deposit Account No. 50-0271. A duplicate copy of this authorization is enclosed for such purposes.

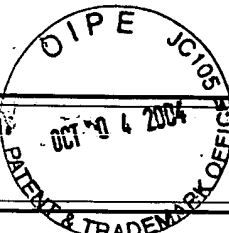
Respectfully submitted,

October 1, 2004

Date



Michael D. Downs
Attorney for Applicants
Walker Digital, LLC
Registration No. 50,252
Mdowns@walkerdigital.com
(203) 461-7292 /direct
(203) 461-7300 /fax



TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
98-017

In Re Application Of: **MIK et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/098,481	June 16, 1998	Wasylychak, Steven R.	22927	3624	4158

Title:

METHOD AND APPARATUS FOR PROCESSING A CHARGE APPLIED TO A FINANCIAL ACCOUNT

COMMISSIONER FOR PATENTS:

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Transmitted herewith is:

Request for Reconsideration of the Holding of Abandonment, No Abandonment in Fact, 3 pp.;
Copy of faxed documents: Amendment & Response, Combined Amendment and Petition for Extension of Time,
Assertion of Small Entity Status, facsimile cover sheet and confirmation of fax sent, 30 pp.

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0271** as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

Dated: **October 1, 2004**

Michael D. Downs
Attorney for Applicants
PTO Registration No. 50,252
Walker Digital, LLC
203.461.7292/phone
203.461.7300/fax

Mdowns@walkerdigital.com

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] o.
10.01.04


Signature of Person Mailing Correspondence

Veronika S. Leliever

Typed or Printed Name of Person Mailing Correspondence

CC:

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Small Entity)**

Docket No.
98-017

In Re Application Of: **MIK et al.**

Serial No.
09/098,481

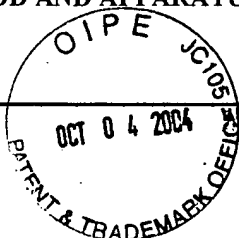
Filing Date
June 16, 1998

Examiner
S. Wasylchak

Group Art Unit
3624

Invention:

METHOD AND APPARATUS FOR PROCESSING A CHARGE APPLIED TO A FINANCIAL ACCOUNT



TO THE ASSISTANT COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of November 14, 2002 in the above-identified application.
Date

The requested extension is as follows (check time period desired):

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: February 14, 2003
Date

until: March 14, 2003
Date

A verified statement of small entity status as a small entity under 37 CFR 1.27:

- ☒ is enclosed.
☐ has already been filed in this application.

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The fee for the amendment and extension of time has been calculated as shown below:

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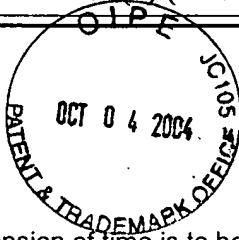
CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	28 -	56 =	0	x \$9.00	\$0.00
INDEP. CLAIMS	19 -	30 =	0	x \$42.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$55.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$55.00

COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Small Entity)

Docket No.

98-017



The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of \$55.00 for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. 50-0271 in the amount of \$55.00
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0271
A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-0271 A duplicate copy of this sheet is enclosed.

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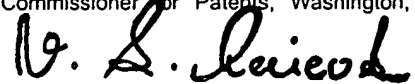

Signature

Dated: March 14, 2003

Michael D. Downs
Attorney for Applicants
PTO Registration No. 50,252
Walker Digital, LLC
203.461.7292/phone
203.461.7300/fax

Customer No. 22927
Mdowns@walkerdigital.com
CC:

I certify that this document and fee is being sent
March 14, 2003 by fax to 703.072.9326
under 37 C.F.R. 1.8 and is addressed to the
Assistant Commissioner for Patents, Washington, D.C.
20231.



Signature of Person Mailing Correspondence

Veronika S. Leliever

Typed or Printed Name of Person Mailing Correspondence

Telephone: (203) 461-7000
Facsimile: (203) 461-7300

Walker Digital, LLC

COPY



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To:	Examiner S. Wasylchak - USPTO	From:	Veronika S. Leliever
Fax:	703.308.3687	Pages:	29
Phone:	703.308.2848	Date:	March 18, 2003
Re:	Application Serial No. 09/098,481	Phone:	203-461-7035

☒ **Urgent** ☒ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

BACK UP

FORMAL RESPONSE

Re: Application Serial No. 09/098,481
Walker Digital, LLC
Attorney Docket No. 98-017
Titled: "METHOD AND APPARATUS FOR PROCESSING A CHARGE
APPLIED TO A FINANCIAL ACCOUNT"

As per our telephone discussion of this morning please find enclosed copies of the formal response to Office Action with Combined Amendment and Petition for Extension of Time, incurring fees for 1 month extension as Applicants faxed it on March 14, 2003.

Thank you for your assistance in the matter.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (Fax No. 703.308.3687) on March 18, 2003.

Dated: 3.18.03 By:

V. S. Leliever
Veronika S. Leliever

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Telephone: (203) 461-7000
Facsimile: (203) 461-7300

Walker Digital, LLC

FAX

To:	Examiner S. Wasylchak - USPTO	From:	Veronika S. Lellave
Fax:	703.308.3687	Pages:	29
Phone:	703.308.2848	Date:	March 18, 2003
Re:	Application Serial No. 09/098,481	Phone:	203-461-7035

☒ **Urgent** ☒ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

BACK UP

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03/18/03 12:21 FAX 2035958266

WALKER DIGITAL

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*** TX REPORT ***

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